

Karen McNeil, et al.,

v.

Case No. 1:18-cv-33

Community Probation Services, LLC, et al.,

**PSI Defendants' Response in Opposition to Plaintiffs' Motion for Extension of Time to File
a Motion to Substitute**

The PSI Defendants oppose the plaintiffs' Motion for Extension of Time to File a Motion to Substitute (Doc. No. 408) as follows:

Under ordinary circumstances, these defendants would not oppose such a motion for extension of time, but these are not ordinary circumstances. The plaintiffs' instant motion and the anticipated motion to substitute are brought in bad faith because the plaintiffs are well aware that they cannot recover through any of her six federal claims—*no matter how the court rules on the PSI's motion for summary judgment*.

Rather than adding to these bloated pleadings with lengthy explanation, these defendants beg the court's indulgence by presenting the information confirming all six of Ms. Mitchell's federal claims are not actionable in the concise table format submitted herewith as Exhibit 1.

The Court should deny the motion for extension of time because there is no purpose in substituting anyone so that plaintiffs' can continue knowingly prosecuting facially invalid claims.¹

¹ By continuing to pursue her baseless claims even after Ms. Mitchell's death, the plaintiffs continue to unreasonably multiplying these proceedings in a vexatious manner and unnecessarily increasing defendants' costs—and wasting this Court's time. As they have directly informed plaintiffs' counsel multiple times, defendants will file a motion to sanction plaintiffs' counsel under 28 U.S.C. § 1927 when appropriate.

At the Court's direction, these defendants will file an additional dispositive motion setting out the grounds presented in Exhibit 1, but these defendants are very reluctant to file any additional motions given the Court's June 23, 2020 Order prohibiting these defendants from filing any additional dispositive motions if they did not withdraw their motion for summary judgment. (Doc. No. 382, Order, p. 4).

Respectfully Submitted,

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